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REMARKS

In the Non-Final Office Action, Examiner Nguyen rejected pending claims 20-36 on various grounds. The Applicant responds to each ground of rejection as subsequently recited herein, and respectfully requests reconsideration and further examination of the present application under 37 CFR § 1.112:

- A. Examiner Nguyen rejected pending claims 20, 23 and 25 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,070,053 to *Yamashita*

The Applicant has thoroughly considered Examiner Nguyen's remarks concerning the patentability of claims 20, 23 and 25 over *Yamashita*. The Applicant has also thoroughly read *Yamashita*. To warrant this anticipation rejection of claims 20, 23 and 25, *Yamashita* must show each and every limitation of independent claims 20, 23 and 25 in as complete detail as is contained in independent claims 20, 23 and 25. See, MPEP §2131. The Applicant respectfully traverses this anticipation rejection of independent claims 20, 23 and 25, because *Yamashita* fails to disclose, teach or suggest the following limitations of independent claims 20, 23 and 25:

1. "a receiver operable to receive an incoming message excluding at least one of a melody identification signal and a melody signal" and "a processor operable to compose a melody corresponding to the incoming message subsequent to a reception of the incoming message by said receiver" as recited in independent claim 20;

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2. "receiving the incoming message excluding at least one of a melody identification signal and a melody signal" as recited in independent claim 23;
and
3. "a receiver operable to receive an incoming message excluding at least one of a melody identification signal and a melody signal" and "a processor operable to control a display of the incoming message and a transformation of the incoming message into a melody subsequent to a reception of the message by said receiver" as recited in independent claim 25.

Specifically, *Yamashita* discloses an inputting of music data in a calling signal after an inclusion of an identification number code and message data. *See, Yamashita* at column 4, line lines 29-46. To be identifiable, the music data must include some form of identification (i.e., a melody identification signal as recited in claims 20, 23 and 25). To be playable, the music data must include some form of melody (i.e., the melody signal as recited in claims 20, 23 and 25). Moreover, *Yamashita* fails to teach or suggest the composition of a melody from calling signal including the message data and excluding the music data.

Withdrawal of the rejection of independent claims 20, 23 and 25 under 35 U.S.C. §102(b) as being anticipated by *Yamashita* is therefore respectfully requested.

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- B. Examiner Nguyen rejected claims 21, 22, 24, 26-29, 31, 32, 34 and 35 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,075,998 to *Yamashita* in view of U.S. Patent No. 6,075,998 to *Morishima*

Claims 21, 22, 31 and 32 depends from independent claim 20. Therefore, dependent claims 21, 22, 31 and 32 include all of the elements and limitations of independent claim 20. It is therefore respectfully submitted by the Applicant that dependent claims 21, 22, 31 and 32 are allowable over *Yamashita* in view of *Morishima* or at least the same reason as set forth herein with respect to independent claim 20 being allowable over *Yamashita*. Withdrawal of the rejection of dependent claims 21, 22, 31 and 32 under 35 U.S.C. §103(a) as being unpatentable over *Yamashita* in view of *Morishima* is therefore respectfully requested.

Claims 24, 34 and 35 depend from independent claim 23. Therefore, dependent claim 24, 34 and 35 include all of the elements and limitations of independent claim 23. It is therefore respectfully submitted by the Applicant that dependent claims 24, 34 and 35 are allowable over *Yamashita* in view of *Morishima* for at least the same reason as set forth herein with respect to independent claim 23 being allowable over *Yamashita*. Withdrawal of the rejection of dependent claims 24, 34 and 35 under 35 U.S.C. §103(a) as being unpatentable over *Yamashita* in view of *Morishima* is therefore respectfully requested.

Claims 26-29 depend from independent claim 25. Therefore, dependent claims 26-29 include all of the elements and limitations of independent claim 25. It is therefore respectfully submitted by the Applicant that dependent claims 26-29 are allowable over *Yamashita* in view of *Morishima* for at least the same reason as set forth herein with respect to independent claim 25 being allowable over *Yamashita*. Withdrawal of the rejection of dependent claims 26-29 under 35 U.S.C. §103(a) as being unpatentable over *Yamashita* in view of *Morishima* is therefore respectfully requested.

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- C. Examiner Nguyen rejected claims 30, 33 and 36 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,075,998 to *Yamashita* in view of U.S. Patent No. 6,075,998 to *Morishima* and in further view of U.S. Patent No. 6,064,666 to *Wilmer* et al.

Claim 30 depends from independent claim 25. Therefore, dependent claim 30 includes all of the elements and limitations of independent claim 25. It is therefore respectfully submitted by the Applicant that dependent claim 30 is allowable over *Yamashita* in view of *Morishima* and in further view of *Wilmer* for at least the same reason as set forth herein with respect to independent claim 25 being allowable over *Yamashita*. Withdrawal of the rejection of dependent claim 30 under 35 U.S.C. §103(a) as being patentable over *Yamashita* in view of *Morishima* and in further view of *Wilmer* is therefore respectfully requested.

Claim 33 depends from independent claim 20. Therefore, dependent claim 33 includes all of the elements and limitations of independent claim 20. It is therefore respectfully submitted by the Applicant that dependent claim 33 is allowable over *Yamashita* in view of *Morishima* and in further view of *Wilmer* for at least the same reason as set forth herein with respect to independent claim 20 being allowable over *Yamashita*. Withdrawal of the rejection of dependent claim 33 under 35 U.S.C. §103(a) as being patentable over *Yamashita* in view of *Morishima* and in further view of *Wilmer* is therefore respectfully requested.

Claim 36 depends from independent claim 23. Therefore, dependent claim 36 includes all of the elements and limitations of independent claim 23. It is therefore respectfully submitted by the Applicant that dependent claim 36 is allowable over *Yamashita* in view of *Morishima* and in further view of *Wilmer* for at least the same reason as set forth herein with respect to independent claim 23 being allowable over *Yamashita*. Withdrawal of the rejection of dependent claim 36 under 35 U.S.C. §103(a) as being patentable over *Yamashita* in view of *Morishima* and in further view of *Wilmer* is therefore respectfully requested.

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SUMMARY

Examiner Nguyen's anticipation and obviousness rejections of claims 20-36 have been obviated by the remarks herein supporting an allowance of claims 20-36 over *Yamashita*. The Applicant respectfully submits that pending claims 20-36 as listed herein fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, Examiner Nguyen is respectfully requested to contact the undersigned at the telephone number listed below.


Dated: **November 21, 2005**

Respectfully submitted,
Richard H. Jones

PHILIPS INTELLECTUAL PROPERTY
& STANDARDS
P.O. Box 3001
Briarcliff, New York 10510
Phone: (914) 333-9612
Fax: (914) 332-0615

Dicran Halajian
Registration No. 39,703
Attorney for Applicant

CARDINAL LAW GROUP
Suite 2000
1603 Orrington Avenue
Evanston, Illinois 60201
Phone: (847) 905-7111
Fax: (847) 905-7113



Frank C. Nicholas
Registration No. 33,983
Attorney for Applicant